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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/644,098 | 08/20/2003 | Hiroshige Owaki | Q77089 | 4945 |

23373 7590 05/09/2005

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| EXAMINER |
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TRAN, LY T

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| ART UNIT | PAPER NUMBER |
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2853

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary

Application No.

10/644,098

Applicant(s)

OWAKI ET AL.

Examiner

Ly T. TRAN

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2005.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
 4a) Of the above claim(s) 2-10, 12-20 and 24 is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1, 11, 21-23 and 26 is/are rejected.
 7) ☒ Claim(s) 25 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date 1/7/04.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____.
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 2-10 and 12-20 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 2/11/05.

Note: claim 24 is also withdrawn because figure 9-13 does not contain the "guide member" as claim in claim 24, figure 14 shows the "guide member" which is different species.

Claim Objections

2. Claims 1 and 11 are objected to because of the following informalities: claims 1 and 11 recited that the liquid restriction is formed on the head case but in the specification and the figure 9-11 shows that the liquid restriction portion (11, 86) is formed on the head cover. For the purpose of examination, the examiner interpret that the liquid restriction portion is formed on the head cover. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 11, 21-23 and 26 are rejected under 35 U.S.C. 102(b) as being anticipate by Koji et al (JP 2000-190513).

With respect o claim 1 and 11, Koji et al discloses a liquid head comprising:

- A flow path unit (Fig.1: element 34) including a nozzle having a nozzle opening for ejecting a liquid (Element 41), and a pressure chamber (Fig.2: element 45);
- A head case (Fig.1: element 32) on a surface of which the flow path (32) unit is attached so that the nozzle opening (41) is located on the surface of the head case;
- A head cover (element 35) attached on the head case for protecting the liquid ejection head, the head cover including:
 - An opening portion (element 49) from which the nozzle face is exposed,
 - A frame portion (fig.1) surrounding the opening portion (49) and supporting a peripheral edge portion of the flow path unit so that the flow path is attached to the head case (32),
 - At least one protective wall portion (element 50) extending from the frame portion so as to cover a side face of the head case (32),
 - A support portion (element 55) formed integrally with the protective wall portion (element 50) by being bent from the protective wall portion so as to extend to a surrounding direction, the support portion is adjoined to the head case (32),
 - Wherein a liquid restricting portion (element 53) for restricting an invasion and/or storage of liquid between the head case (32) and the head cover (35)

With respect to claims 21 and 26, Koji discloses that the liquid restricting portion (53) is provided as a structure that a notch portion is formed at a vicinity of a boundary between the frame portion and the protective wall portion (50).

With respect to claim 22, Koji discloses that the notch portion is provided at a position which does not interfere with a wiping direction of a wiping device in an operation of cleaning the liquid head (Abstract).

With respect to claim 23, Koji discloses that the frame portion is constituted by a shape of surrounding a peripheral edge of a front end portion formed in the head case (32), the protective wall (50) is constituted by a plurality of protective wall portions to be divided by a plural number from the frame portion and the notch (53) is divided by plural number in a corresponding one of the protective all portions on which the notch portion is formed (Fig.1).

Allowable Subject Matter

4. Claim 25 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 25 is allowable over prior art of record because at least prior art have not been taught to anticipate or teach the protective wall portion which is not provided with the support portion includes a larger number of the notch portion than a number of the notch portion of another protective wall portion which is provided with the support portion.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ly T. TRAN whose telephone number is 571-272-2155. The examiner can normally be reached on M-F (7:30am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on 571-272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LT
May 2, 2005


Stephen D. Meier
Primary Examiner